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## FACSIMILE TRANSMITTAL SHEET

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Date: February 12, 2004

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Deliver To: Examiner Bernard E. Souw

From: Christopher S. Daly, Esq.

T.C./A.U.: 2881

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Telephone Number: 703-305-0149

## MESSAGE

RE:

U.S. Patent Application of David M. Pepper and Dennis C. Jones  
Entitled: ROBUST INFRARED COUNTERMEASURE SYSTEM AND METHOD  
Application No. 09/837,733  
Filing Date: April 18, 2001  
DCM Case No: RTN-154PUS

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Client Matter No.: RTN-154PUS

ORIGINAL

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Appl. No. : 09/837,733  
Applicant : David M. Pepper et al.  
Filed : April 18, 2001  
T.C./A.U. : 2881  
Examiner : Bernard E. Souw

Confirmation No.: 9083

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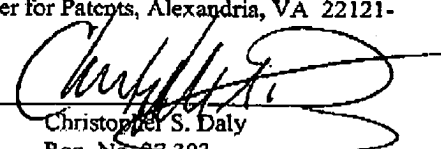
Docket No. : RTN-154PUS (formerly PD-99E082)  
Customer No. : 022494

Certificate of Transmission (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being submitted via facsimile to 703-872-9319, Examiner Bernard E. Souw, T.C./A.U. 2881, Commissioner for Patents, Alexandria, VA 22121-1450 on the date set forth below.

12 Feb 04  
Date of Signature  
and Mail Deposit

By:

  
Christopher S. Daly  
Reg. No. 37,302

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

INTERVIEW SUMMARY

On February 11, 2004, Applicant's representative had a conference call with Examiner Souw to discuss the Letter under MPEP 707.05(g) and 710.06 submitted on December 4, 2003 which advised that a reference cited on the PTO-892 which accompanied the Office Action dated November 10, 2003 was not included in the mailing sent to the Applicant. In particular, the missing reference was the Arimoto reference which was applied in the Office Action.

The Examiner explained that he had sent a paper which restarted the period for response, but that he did not re-send the reference, but rather directed Applicant's attention to a website.

Appl. No. 09/837,733

Docket No. RTN-154PUS

Applicant requested a conference call with the Examiner and his Supervisory Patent Examiner (John Lee) for the purpose of making sure that agreement is reached as to how to properly cite the Arimoto et al. reference which the Examiner applies in the Office Action. The Examiner stated that he would contact Applicant's representative with a day and time when Supervisory Patent Examiner (SPE) Lee was available for a conference call.

On February 12, Applicant's representative retrieved a voice mail the Examiner had left at the office of Applicant's representative on either February 11 or earlier in the day on February 12, 2004. Applicant's representative returned Examiner's phone call and the Examiner stated that he had consulted with SPE Lee and that decision had been reached to withdraw the presently outstanding Office Action and issue a new Office Action.

The Examiner explained that the new Office Action would be accompanied by the entire Arimoto reference which had been cited in the Office Action dated November 10, 2004 but that Applicant should expect a relatively long delay in issuing the Office Action since the Examiner had to first obtain a copy of the Arimoto reference.

The Examiner also explained that the reference he had intended to rely upon in the Office Action dated November 10, 2003 (which amounted simply to Fig. 4 of the Arimoto reference cited and applied in the Office Action) had in fact been included with the Office Action but had been improperly cited on the PTO-892.

Applicant then suggested that it might be quicker and easier to simply fix the citation on the PTO-892 and then re-issue the Office Action rather than incurring the relatively long delay due to the need to order the full Arimoto reference. The Examiner stated, however, that he had already made the decision to instead order a copy of the entire Arimoto reference.

If the Examiner has any questions concerning this letter or this application, he is respectfully invited to contact the undersigned attorney.

Appl. No. 09/837,733

Docket No. RTN-154PUS

In the event any additional fee is required, please charge such amount to the Patent and Trademark Office Deposit Account No. 50-0845.

Dated: 12 Feb 04

Respectfully submitted,

DALY, CROWLEY &amp; MOFFORD, LLP

By: 

Christopher S. Daly

Reg. No. 37,303

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